

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	No. 3:14-cr-00033-MO-1
	)	
v.	)	
	)	
MICHAEL DEONSHAE WILLIS, JR.,	)	May 4, 2015
	)	
Defendant.	)	Portland, Oregon
_____	)	

**Sentencing Hearing**

TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE MICHAEL W. MOSMAN

UNITED STATES DISTRICT COURT JUDGE

APPEARANCES

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I N D E X

Sentencing Hearing

DEFENDANT'S WITNESSES

SAMANTHA BARROW

Direct Examination by Ms. Harris 22

Cross-Examination by Ms. Martin 39

Redirect Examination by Ms. Harris 48

(P R O C E E D I N G S)

MS. MARTIN: Good afternoon, Your Honor. Jennifer Martin appearing on behalf of the government in the matter of the United States of America v. Michael Deonshae Willis. This is Case No. 3:14-cr-33.

I'll note for the record the defendant is present, he is out of custody, represented by defense counsel, Ms. Tiffany Harris, and we are present before the Court for sentencing in this matter.

I know there are two other issues that the parties have brought to the Court's attention, the first being the defense counsel's request for copies of some unredacted reports, and the second being the defense counsel's motion to strike aspects of the government's sentencing memorandum.

THE COURT: Thank you.

I have had a chance to review the motion to receive unredacted copies of certain reports. I, for the most part, agree that most of the reports just have nothing of any importance to do with this case. I disagree with the government on the June 3rd, 2014 report, and although what's redacted probably will end up not being of much particular use, given everything that the defense already knows, it certainly is relevant to the case. And so I am requiring the unredacted copy be turned over.

Do you have a copy available, Ms. Martin?

1 MS. MARTIN: Your Honor, I do. (Handing documents to  
2 Ms. Harris.)

3 THE COURT: And that's a page-and-a-half report. So  
4 I'm just going to have you take a minute and read it right now.

5 MS. HARRIS: Thank you.

6 (There is a pause in the proceedings.)

7 MS. HARRIS: Thank you.

8 THE COURT: You've had an opportunity to review it  
9 with your client?

10 MS. HARRIS: (Nods head.)

11 THE COURT: Is there anything about what you reviewed  
12 that causes you to think you need additional time or anything  
13 like that?

14 MS. HARRIS: No. We're ready to proceed, Your Honor.

15 THE COURT: All right.

16 The second matter is the motion to strike. You filed  
17 a motion, the government responded. Anything you wish to add  
18 in light of their response?

19 MS. HARRIS: The only thing I would add, Your Honor,  
20 is that I don't think that the situation --

21 (Baby crying.)

22 THE COURT: Just a moment.

23 Go ahead.

24 MS. HARRIS: I don't think that the situation was  
25 remedied by disclosure of the report and the witness's contact

1 information more than six months after the incident had  
2 occurred and after the government had already promised that it  
3 would not refer to or make the incident a part of the  
4 sentencing process, because by that time, it was nearly  
5 impossible to try to recreate the crowd of folks that was at  
6 the gym playing pickup basketball. It's a very informal  
7 arrangement. It's hard to find records of people who were  
8 there.

9 Closer in time, had we been on notice, had we known  
10 that this was going to become the kind of issue that it has  
11 become in this case, we would have had an effort to either pull  
12 the surveillance video or locate those witnesses and to talk to  
13 them.

14 So the mere fact that I was, in April of 2015,  
15 allowed to contact the primary witness involved in the July 30,  
16 2014 event, doesn't really remedy the fact that we relied, to  
17 our detriment, on the government's promise that this  
18 information would not be made a part of the sentencing process.  
19 Again, we think it's just a situation where for whatever  
20 reason, maybe the successor AUSA did not want to be bound by  
21 the first agreement, I'm not sure, but the end result to me is  
22 that the government breached an unambiguous agreement not to  
23 make that information part of sentencing, and in doing so,  
24 gained sort of a tactical advantage because we were in a  
25 position where we couldn't reach out to witnesses, pull

1 surveillance footage, and do the kind of investigation that I  
2 think we've demonstrated we would do.

3 THE COURT: All right. Thank you.

4 Ms. Martin?

5 MS. MARTIN: Your Honor, I disagree. Initially, I  
6 provided the report without knowing that there had been that  
7 email communication between Ms. Beckerman and Ms. Harris. I  
8 was advised of that only recently.

9 The other matter is, this is a police report that was  
10 publicly available. So I don't see the conversation that  
11 Ms. Harris and Ms. Beckerman had about whether or not the agent  
12 would make a 302 and make that available to Ms. Harris is the  
13 same thing as whether or not there was a report that was  
14 generally available in any event. It is material that I think  
15 provides information the Court should have.

16 I didn't rely upon it in terms of arguing for the  
17 enhancements, but it is conduct that the defendant engaged in  
18 during the course of his pretrial release.

19 THE COURT: All right. Let's just take it one step  
20 at a time, if I could.

21 So do you agree that your predecessor made a binding  
22 commitment not to use it?

23 MS. MARTIN: I agree that there was a conversation  
24 between Ms. Harris and Ms. Beckerman about whether or not the  
25 agent would produce a 302 about this contact, and whether or

1 not the information about the witness's name and contact  
2 information would be provided. That's what I saw in the email.

3 THE COURT: That said, you don't agree that there was  
4 a commitment not to make use of that event at sentencing?

5 MS. MARTIN: Your Honor, if I could just have a  
6 moment to take a --

7 THE COURT: Sure.

8 (There is a pause in the proceedings.)

9 MS. MARTIN: Your Honor, it is --

10 THE COURT: I'm just trying to make sure I understand  
11 your argument. Let me see if I do. I thought there wouldn't  
12 be a disagreement -- and so I want to hear more from you -- on  
13 whether a promise was made not to use it, anything like this at  
14 sentencing, but that your position would be that that promise  
15 was premised on the idea that a promise like that would mean  
16 that Ms. Harris wouldn't have to look into it, but that if you  
17 gave her time to look into it, you know, then the reason for  
18 the promise would have fallen apart.

19 MS. MARTIN: Your Honor, I think that more accurately  
20 states my position.

21 THE COURT: But that starts with the premise that  
22 there was an actual promise not to use anything like that at  
23 sentencing. I'm not sure of your view on that.

24 MS. MARTIN: Well, Your Honor, here is what I agree  
25 Ms. Harris provided about what Ms. Beckerman said. She did say



1 if she said nothing about it ever again, including at  
2 sentencing, can I not give you the name and number. Ms. Harris  
3 agreed to that. So that would be accurate.

4 THE COURT: So what do you -- what do you make of  
5 that, though, then? It sounds like Ms. Beckerman, on the  
6 government's behalf, promised not to make use of it at  
7 sentencing. But how are we at this point?

8 MS. MARTIN: Well, here is part of where I think we  
9 are. Part of it is the difficulty in transferring a case under  
10 any circumstances. When I came across the report, in response  
11 to a request by Ms. Harris, I provided the report to her,  
12 including the contact information and the victim's name. After  
13 that time, I became aware that this conversation had taken  
14 place between Ms. Beckerman and Ms. Harris.

15 THE COURT: That part is not difficult to understand.  
16 So what's your reason for -- you could have done two things, I  
17 guess. You could have said, "Oh, I didn't know that promise  
18 had been made," and then honored it, or you could have had an  
19 argument why you didn't feel like you were obligated to follow  
20 it.

21 Tell me more why you took the latter course, what  
22 your argument is for why you're not bound by it.

23 MS. MARTIN: Your Honor, my argument in support of  
24 that to Ms. Harris was that we do have an obligation to advise  
25 the Court of the facts of the case, and the incident itself

1 troubled me not so much because of the conduct in the gym, but  
2 the fact that the young woman was concerned enough to report it  
3 to the police. That, it seemed to me, was a concern that was  
4 important for the Court to know.

5 THE COURT: All right. Thank you.

6 So as I've just said, it's not difficult to  
7 understand how an email conversation like this could have  
8 resulted in the series of events that we've had here; that is,  
9 that Ms. Martin wouldn't know about it, it wouldn't come up.  
10 But that doesn't make it not something that Ms. Beckerman did  
11 in a way that had an impact on the defense preparation here.  
12 Certainly I can understand, absent that promise, why this  
13 information would be brought forward, but in light of that  
14 promise, and in light of what I feel like is some degree of  
15 detrimental reliance by Ms. Harris, I am granting the motion to  
16 strike that portion of the government's sentencing memorandum.  
17 I do so without any implication of any improper conduct, I just  
18 view the original promise binding on successors.

19 And for what it's worth for any future  
20 considerations, I also find the information, as Ms. Martin has  
21 described it, relatively marginal to the whole case.

22 I think those are the only predicate matters,  
23 Ms. Harris, that you've raised. Is that right?

24 MS. HARRIS: Yes, Your Honor.

25 THE COURT: I've reviewed all of your sentencing

1 materials with some care. I've received your video  
2 presentation, which I've just had a chance to review  
3 completely.

4 So I'll start with you, Ms. Martin. Anything you  
5 wish to add in addition to what you've submitted in writing?

6 MS. MARTIN: Your Honor, I think what I want to  
7 emphasize, in addition to what I submitted in writing, is an  
8 appreciation of the power differential between these two  
9 individuals in terms of the Court's consideration of coercion.  
10 Under the sentencing guidelines 2G1.1, the application note  
11 provides that coercion includes any form of conduct that  
12 negates the voluntariness of the victim. And in this case, of  
13 course, the government has also asked the Court to consider  
14 bodily injury as a separate matter, too.

15 In cases like this, where the Court considers the  
16 position of a victim who has been involved in prostitution with  
17 a pimp, there is a significant power differential. There is a  
18 significant consequence to the victim from making mistakes in  
19 connection with this relationship. There is a lack of personal  
20 autonomy concerning movement, belongings, and the own use of  
21 their bodies. There are expectations and plans for them that  
22 are beyond their control, and they often feel forced to do  
23 things, whether it feels safe to them or not.

24 In this case, the defendant was 26 years old in 2012.  
25 The victim, OT, was 20 years old. The defendant had more than

1 three years of college education. She did not. He was 21  
2 years old -- at least that's what he told the undercover police  
3 officer -- when he began working as a pimp, and had been doing  
4 so for over five years by the time he met OT. By his own  
5 statement, he had significant experience with prostitution.  
6 He'd already had 25 to 30 girls working for him, although I  
7 understand the defense sentencing materials say that it was  
8 only a dozen or so now. Either way, it was a significant  
9 number of individuals.

10 At the time OT met the defendant, she had worked as a  
11 prostitute before, but it was in the context of a romantic  
12 relationship with another pimp.

13 THE COURT: I'm going to pause you right there for a  
14 moment. What you're saying is very important. Have a seat for  
15 a second. I think you'll be assisted if I tell you a little  
16 more about my concerns, and then we'll take it from there,  
17 because my concerns are as much evidentiary as they are  
18 anything else.

19 So what you've described about the power differential  
20 between pimps and prostitutes is, I think, mostly accurate. I  
21 guess I'd say it's accurate except when it isn't. I think the  
22 vast majority of prostitute-pimp relationships are as you  
23 describe, but I don't want to oversimplify it. All three of us  
24 here have been involved in the system long enough to be aware  
25 that there are a significant subset of prostitute-pimp

1 relationships that are almost businesslike in character, where  
2 someone is just helping -- where there's a pimp helping one or  
3 more prostitutes just run a business.

4 I'm not trying to say that I approve of the business  
5 or that the law does, but the element of violence is missing  
6 from some subset of pimp-prostitute relationships. And we're  
7 aware of that, and the question before me today is which was it  
8 here: Was it the traditional, I think, common relationship of  
9 some kind of underlying violence, either real or threatened or  
10 both; or was it closer to what Ms. Harris has described in her  
11 sentencing materials, something more like a manager?

12 And as I take the bench here today, the answer I have  
13 is I don't know yet, and what I need is evidence. I need  
14 something I can go on to make the decision. What I have right  
15 now are letters or memos from attorneys and a presentence  
16 report. The presentence report is disputed, so I can't yet  
17 make a finding that it's correct without more.

18 Then, as you all know, I have to look at a hierarchy  
19 of evidence. So live testimony, for example, is more important  
20 to me than unsworn statements. And you're aware of the  
21 predicted evidence that I'm going to have in front of me. I'm  
22 not going to be able to get very far down the road to figuring  
23 out what kind of relationship this defendant had with our  
24 victim in this case just based on attorneys telling me what  
25 happened. So I'm interested first in what evidence are you

1 going to give me on the things you've been telling me.

2 MS. MARTIN: Your Honor, I don't have a witness to  
3 call today. The Court should have in its sentencing materials  
4 the victim impact statement provided by OT, as well as other  
5 materials.

6 I think the Court, in terms of materials that it can  
7 rely upon, the defense has provided a series of messages  
8 between OT and the defendant, and in part those corroborate the  
9 differential in power that I think is present in this case and  
10 the nature of coercion that is inherent in this case.

11 THE COURT: I don't want to conflate differential in  
12 power with coercion.

13 MS. MARTIN: Your Honor, if --

14 THE COURT: He's older and more educated, but that's  
15 not coercion.

16 MS. MARTIN: He is older and more educated. At the  
17 time he contacts her in Florida, she has broken up with her  
18 boyfriend, who was also her initial pimp. She tells him that  
19 she is going back to school and has a job. This is from the  
20 Facebook messages that are contained in the materials that  
21 defense counsel provided. His response is to try to recruit  
22 her to work as a prostitute, and he sweet talks her into coming  
23 to Alaska, where she has expectations that she will be  
24 encountering the same type of relationship that she had with  
25 the only pimp that she had known before, her boyfriend. And

1 instead, flying to Alaska, what she finds is something  
2 different. She finds the defendant and another woman, SB,  
3 working as a team, having a romantic relationship, and then  
4 having her work for them as a prostitute.

5           There is a significant power differential. There's a  
6 different equation than she was expecting would happen. And  
7 she initially reported even to the undercover officer that she  
8 was threatened by SB, who -- she reported as well seeing the  
9 defendant hit SB while she worked for him, and that that scared  
10 her and made her afraid to say no. That's corroborated by the  
11 statement that SB provided to defense counsel.

12           So I think there are --

13           THE COURT: What part of it is corroborated there?  
14 That the defendant hit SB?

15           MS. MARTIN: Yes, the fact that he hit SB.

16           It's true that while SB characterizes that as an  
17 altercation of two slaps or whatever that occurred in the  
18 course of their domestic relationship, I don't think it is  
19 unreasonable for the Court to take a look at that and know that  
20 at the same time the defendant is requiring SB to work for him  
21 as a prostitute, and to infer that OT would see that conduct as  
22 coercive and indicative not of a domestic dispute, but it's  
23 what would happen if she didn't follow the rules.

24           THE COURT: All right.

25           MS. MARTIN: That same thing is true in the materials

1 the defense counsel provides concerning the first time that OT  
2 left the defendant. The first time she leaves the defendant,  
3 it's because he is reading her cell phone, according to the  
4 defense materials, observed that she has had a conversation  
5 with another man, and hits her. That is typical violent  
6 behavior in the context of a pimp and prostitute relationship.  
7 He hits her, she leaves for two days.

8 It's true that SB later in her statement says, well,  
9 I didn't see any lasting damage when she came back two days  
10 later, but it confirms that that physical violence happened in  
11 the context of what that relationship was.

12 And then I think everyone agrees that what happened  
13 to OT in Hawaii was violent and could be expected in the  
14 ordinary course of running this type of an operation.

15 THE COURT: Wouldn't that theory -- you're talking  
16 about now not just coercion but bodily injury in Hawaii, or are  
17 you using that as a way of it being coercive?

18 MS. MARTIN: Your Honor, I think it was -- I think it  
19 was both. I think when we look at the nature of the  
20 relationship going to Hawaii, what you have is a victim whose  
21 identity is tied up in thinking that this is a partnership,  
22 thinking that she has to do things to make the defendant happy,  
23 which in this case is making money, and that entails putting  
24 herself at risk. The defendant is aware of that level of risk  
25 and, in fact, comments on it in his conversation with the



1 undercover police officer, noting that it's, you know,  
2 difficult for him to have to deal with all the complaints of  
3 all of the women he manages, and telling him all about the  
4 forced labor that he intended to go into rather than  
5 prostitution.

6 THE COURT: I guess what concerns me is that I  
7 understand the incident in Hawaii is a theory for bodily  
8 injury, but if you had a completely noncoercive pimp, didn't  
9 use coercion as a part of a business plan, and a prostitute got  
10 hurt by a customer, wouldn't your theory be a theory for  
11 coercion then for a pimp who was otherwise not coercive? It  
12 sort of makes whether the pimp was coercive or not turn on what  
13 kind of customers show up.

14 MS. MARTIN: I think it depends on how the Court is  
15 defining coercion and --

16 THE COURT: Well, you want me to view what happened  
17 in Hawaii as one piece of your theory of coercion, and I'm just  
18 saying I understand it was a theory of bodily injury, but I  
19 don't know how -- I don't know how your theory doesn't work  
20 against every imaginable kind of pimp. If they send someone  
21 out there and the customer hurts the prostitute, that's going  
22 to be, in your theory, a reason to find the pimp coercive. It  
23 may not be enough, but it will be a piece of the case, right?

24 MS. MARTIN: I think when the Court looks at coercion  
25 and looks at what negates the voluntariness of the victim's

1 conduct, you have to look at the pattern of behavior. And if  
2 the pattern of behavior includes I'm going to send you out to  
3 do this and trust you enough to make all this happen, that is,  
4 in fact, somewhat coercive behavior. She's alone, she's in an  
5 area that she's never been to before, doing something that she  
6 may have doubts about doing to profit this defendant. So yes,  
7 I think it is both coercive and I think it's relevant to both  
8 coercion and to bodily injury. It's certainly relevant to  
9 bodily injury.

10 THE COURT: I guess what I'm trying to sort out is  
11 what theories prove too much and which ones don't. I'm  
12 reminded of the case law on reasonable suspicion for a stop.  
13 You know, the person did look nervous or they didn't look  
14 nervous, and they both can cut against somebody.

15 Here it's coercive if I'm hovering over you all the  
16 time and I never let you out of my sight, and it's coercive if  
17 I send you to Hawaii alone, where you can do whatever you want.  
18 I mean, I guess I don't want to come up with an idea of  
19 coercion that fits every case.

20 MS. MARTIN: No, but I think that's a continuum.  
21 When the Court considers the relationship that a victim has  
22 with a pimp in cases like this, the initial conduct is hovering  
23 and is controlling. And that's true in this case, where the  
24 defendant didn't have a driver's license, where either the --  
25 where the victim didn't have a driver's license and where SB or

1 the defendant drove her to and from places. That certainly was  
2 a lack of control on her part. And certainly it was more of an  
3 all-enveloping control issue both in Alaska and in Portland.  
4 That coupled with the physical violence that she saw and  
5 interpreted to mean if you are out of line, there will be  
6 physical violence, merged into what happens over the course of  
7 a relationship, where the defendant turns from an I love you so  
8 much, I will make all these arrangements for you and I'll do  
9 this, we will share the money, to gosh, now you're experienced,  
10 now I can trust you going out to places on your own, and now  
11 you can make these arrangements. That's a progression that is  
12 also not uncommon that also benefits the pimp because it cuts  
13 him off from law enforcement investigation later on, and that's  
14 the --

15 THE COURT: It certainly sounds reasonable, but based  
16 on what would I conclude that that theory of what happened here  
17 is true?

18 MS. MARTIN: I'm sorry, the Court was saying there  
19 were two different things. I was simply pointing out that I  
20 see them as a continuum of behavior in a single pimp --

21 THE COURT: What you've given me is an explanation  
22 for why the facts fit --

23 MS. MARTIN: Yes.

24 THE COURT: -- with the theory of coercion because  
25 that's how these relationships tend to play out.

1 MS. MARTIN: Yes.

2 THE COURT: And I suspect you may be right, I just  
3 don't know based on what evidence I would conclude you are  
4 right.

5 MS. MARTIN: I think the evidence of the --

6 THE COURT: There's really no evidence about how a  
7 typical relationship plays out over time, is there, in this  
8 case?

9 MS. MARTIN: No, Your Honor, there is none.

10 THE COURT: So they might play out that way, I just  
11 don't know one way or the other.

12 Ms. Harris, let me turn to you for just a moment.  
13 Are you going to put on anything other than your letter? Live  
14 witnesses?

15 MS. HARRIS: I do have a live witness who is here and  
16 prepared to testify.

17 I want to make clear that we've also appended to our  
18 sentencing letter the sworn declaration of that witness, signed  
19 under a penalty of perjury. So I think when the Court talks  
20 about a hierarchy of evidence, I think that hierarchy sort of  
21 weighs in the defense's favor because we already have a witness  
22 who --

23 THE COURT: Well, a sworn private statement from the  
24 victim in a victim impact statement, and I have your witness's  
25 statement. So I have competing pieces of paper. Is that what

1 you want me to decide the case on?

2 MS. HARRIS: No, Your Honor, I do have a witness, and  
3 she's --

4 THE COURT: I'm not telling you to call her, I'm just  
5 saying that's what I have right now. If you want to do better,  
6 you need to call them.

7 MS. HARRIS: I will. I just wanted to make sure that  
8 I was clear in my position that I don't think these are  
9 competing pieces of evidence because the sworn statement that  
10 Ms. Barrow signed is a declaration signed under penalty of  
11 perjury. There's no sworn statement basically on the other  
12 side from the government.

13 THE COURT: It's up to you.

14 MS. HARRIS: Then at this point we'll call Samantha  
15 Barrow.

16 THE COURT: Go ahead.

17 THE CLERK: There's stairs right along that back wood  
18 wall.

19 Please raise your right hand. Your right hand.

20 THE WITNESS: I was kidding.

21

22 SAMANTHA BARROW

23 called as a witness in behalf of the Defendant, being first  
24 duly sworn, is examined and testifies as follows:

25

1 THE CLERK: Please have a seat.

2 For the record, could you please state your full name  
3 and spell it.

4 THE WITNESS: Samantha Barrow. S-a-m-a-n-t-h-a  
5 B-a-r-r-o-w.

6

7 DIRECT EXAMINATION

8 BY MS. HARRIS:

9 Q. Good afternoon, Ms. Barrow.

10 A. Hi.

11 Q. How old are you?

12 A. Twenty-five.

13 Q. Where do you live?

14 A. In Las Vegas, Nevada.

15 Q. What do you do in Las Vegas?

16 A. I'm a dancer.

17 Q. How long have you been doing that?

18 A. In Las Vegas?

19 Q. Yes.

20 A. For a year.

21 Q. I'm going to ask you some questions. First, before I ask  
22 you those questions, I want to thank you for traveling here  
23 from Las Vegas.

24 I want to start with some questions about how you  
25 first met the defendant in this case, Mr. Willis.

1 A. Uh-huh.

2 Q. Can you tell us about when that was.

3 A. The time or where?

4 Q. You can start out by saying, if you remember, about  
5 when --

6 A. I don't remember when it was, but I met him at a bar  
7 downtown.

8 Q. And do you remember about how old you were?

9 A. About 21.

10 Q. At that time -- I'm going to ask you some questions that  
11 might be a little bit personal.

12 A. Uh-huh.

13 Q. I want to apologize for that in advance, but it's  
14 important to the case or I wouldn't ask.

15 At that time, what were you doing for money?

16 A. I was a prostitute.

17 Q. So when you met Mr. Willis at this -- at this bar, did the  
18 two of you have a chance to talk and sort of strike up a  
19 conversation?

20 A. Yeah. We had been friends a long time before.

21 Q. You were friends a long time before you met at the bar?

22 A. Oh, no, no, no. Before we got together.

23 Q. I see.

24 A. Yeah.

25 Q. During that period of friendship, did you have an

1 impression about Mr. Willis's level of experience in the sex  
2 industry?

3 A. I mean, he never really brought it -- it wasn't really  
4 brought to me that way. I didn't really think he had any  
5 experience, to be quite honest. He wasn't even -- he didn't  
6 have girls around him, he didn't have -- from what I knew, I  
7 didn't think he was a pimp at all.

8 Q. And a follow-up question is, well, between the two of you,  
9 did you have an opinion about which one of you had more  
10 experience in this --

11 A. No, no. Of course, no. It wasn't like we were competing.  
12 I didn't -- I mean, I had more experience, of course. I had  
13 been doing this since I was about 18 years old, so --

14 Q. And would you say that when you first got together, this  
15 was more of a kind of a business arrangement?

16 A. Yeah. It was more like boyfriend-girlfriend and then got  
17 to the business.

18 THE COURT: Don't ask leading questions, please.

19 BY MS. HARRIS: (continuing)

20 Q. When you first got together with Mr. Willis, how long were  
21 you together before you started working?

22 A. Hmm. I would say about a month or two before I started  
23 working.

24 Q. I want to ask you some questions about -- about the  
25 boyfriend-girlfriend relationship that you said you had. Did



1 Mr. Willis take you home to meet his family?

2 A. Yeah. I met all his family.

3 Q. Did you take him home to meet your family?

4 A. Yeah. My mom loves him, his grandma liked me.

5 Q. Did you socialize with each other's friends?

6 A. Uh-huh, yeah.

7 Q. Did you go out on what we would consider to be dates and  
8 that sort of thing?

9 A. Yeah. We went to the movies, stuff like that.

10 Q. At a certain point, though, did you begin to travel  
11 outside of Oregon for the purpose of work?

12 A. At some point we did, yes.

13 Q. Where? Where did you go?

14 A. Went to Alaska, Hawaii, a few places.

15 Q. How did that come about?

16 A. Well, I had never been to Hawaii, Mike had never been to  
17 Hawaii, and so we just really wanted to go.

18 Q. Did you make that travel part of the work that you were  
19 doing?

20 A. I mean, yeah. We would work in the work with it, of  
21 course.

22 Q. So, in other words, when you would travel to these  
23 locations like Alaska and Hawaii, you would go there for the  
24 purpose of work?

25 A. Yeah.

1 MS. MARTIN: Object to leading again.

2 THE COURT: Sustained.

3 BY MS. HARRIS: (continuing)

4 Q. When you would travel to these other locations, were you  
5 there as a tourist or were you there for business purposes or  
6 was it both?

7 A. I think it was both, yes.

8 Q. Did Mr. Willis ever force you to travel --

9 A. Never.

10 Q. -- to any of these destinations?

11 A. Not once.

12 Q. Did he ever threaten that if you didn't travel to these  
13 locations, he would hurt you?

14 A. Never.

15 Q. Did he ever do anything else to you that you -- did he  
16 ever threaten to do anything else to you that you wouldn't like  
17 or that made you scared?

18 A. No. I've never been scared of Mike.

19 Q. And when I was using the word "work" in connection with  
20 this travel to places like Alaska or Hawaii, what does that  
21 include?

22 A. Honestly, it depends on the state. For the most part, I  
23 would prefer to dance if I could, but I would -- I would work  
24 as a prostitute.

25 Q. Did Mr. Willis ever force you to dance at a place when you

1 didn't want to?

2 A. No.

3 Q. What made you want to do it, then, if you weren't being  
4 forced?

5 A. To travel or to work?

6 Q. To work.

7 A. To make money. I was by myself for a long time. I work  
8 because I like money. Mike's never made me get money. I've  
9 always worked because that's the type of person I am. I'm very  
10 independent. I always like to have my own money and I like to  
11 work.

12 Q. Were you and Mr. Willis ever in Anchorage together during  
13 the summer of 2012?

14 A. Yes.

15 Q. Where were you staying at that point?

16 A. I think we got a house, I believe. We rented.

17 Q. Did Ms. Turner come and join up with you two at some  
18 point?

19 A. Yeah.

20 Q. Do you remember about when that would have been?

21 A. I want to say maybe a week or two after we'd been there.  
22 I really don't remember honestly the exact date.

23 Q. Does around mid to late August 2012, does that sound about  
24 right?

25 A. Yeah, that sounds right.

1 Q. Now I want to ask you some questions about the time that  
2 the three of you spent together in Anchorage. Okay?

3 A. Okay.

4 Q. So first, what were you doing in Anchorage?

5 A. I was dancing at the Fish Company.

6 Q. Is the summertime -- tell me about what it's like to be  
7 dancing in Anchorage during the summer season.

8 A. It's a really busy season, so any of the newer girls were  
9 required to go to work at 4:00, so you go to work at 4:00.  
10 It's not busy, so we normally had to stay later. It's just  
11 like nobody is there from 4:00, because that's when it opens.  
12 So I would go from 4:00 until whenever I felt like it.

13 Q. When you said that the new girls were required to start at  
14 4:00 --

15 A. Yeah, like if you're not from Anchorage. Like you get  
16 paid to work in Anchorage, so if I'm new and I come down there,  
17 I have to start at 4:00. So I don't have like the privileges  
18 of the people that have been there.

19 Q. And that's a rule that --

20 A. That's a rule of the club, yes.

21 Q. Thank you.

22 Were you only dancing or were you also going on  
23 dates?

24 A. I was doing both.

25 Q. I'm sorry?

1 A. I was doing both but mainly dancing.

2 Q. Did Mr. Willis ever hit you when you were in Anchorage?

3 A. No.

4 Q. Did he ever use physical force to get you to go on any of  
5 these dates or to dance?

6 A. Never.

7 Q. Did he ever pull your hair?

8 A. Never.

9 Q. Now, so we've heard a little bit about what you were  
10 doing. What do you remember Ms. Turner to be doing at this  
11 time?

12 A. Ms. Turner didn't have the proper identification to work  
13 in the strip club, so she had to prostitute. So I really  
14 wasn't there the whole time, I was at work, like I said, but  
15 from what I know, she couldn't work at the clubs, so she had to  
16 work other ways.

17 Q. And did the decision to go on dates or to prostitute  
18 rather than work at a club, how -- were you there? Do you have  
19 any knowledge about how Ms. Turner made that decision?

20 A. I don't.

21 Q. Did she ever complain to you in Anchorage that she was  
22 going on dates and didn't want to be doing that?

23 A. Never, no.

24 Q. During the time that you were in Anchorage, did you ever  
25 see Mr. Willis hit Ms. Turner?

1 A. No.

2 Q. Did you ever hear Ms. Turner complain that Mr. Willis was  
3 holding on to her identification?

4 A. No, never.

5 Q. Did Ms. Turner ever tell you that she didn't want to be  
6 prostituting or going on dates?

7 A. No. From what I know, she'd been doing it.

8 Q. Did she ever tell you that she was scared to say no to  
9 Mr. Willis?

10 A. No.

11 Q. Now I'm going to ask you some questions about the time  
12 that you spent after you left Anchorage.

13 Do you remember where you went after Anchorage?

14 A. Back to Portland, I believe.

15 Q. And were the three of you there in Portland together?

16 A. Oh, yeah, at one point.

17 Q. Do you remember about when you left Anchorage to return to  
18 Portland?

19 A. Do I remember the date?

20 Q. More or less.

21 A. No. I mean, I remember it was right before my -- well,  
22 actually no. I don't want to say.

23 Q. Does late August, or August 29th sound about right?

24 A. Yeah, yeah, yeah. Because that was right before my  
25 birthday.

1 Q. When is your birthday?

2 A. September 13th.

3 Q. When -- and one last question. Before -- or during,  
4 throughout this time in Anchorage, did you ever hear Ms. Turner  
5 tell anyone that she wanted to leave?

6 A. Not once.

7 Q. So tell us about what the setup was like in Portland where  
8 the three of you were staying.

9 A. We all stayed in an apartment together. I mean, when we  
10 were -- like, when we were in Portland, I mean, it was just the  
11 same thing. We all stayed in the house together. Everyone did  
12 their own thing.

13 Q. Was it a house or was it an apartment?

14 A. It was an apartment.

15 Q. So during this time that you spent together in Portland,  
16 were you working?

17 A. At that time, no. It was about my birthday, so nobody was  
18 really working at that time.

19 Q. And just so the Court has an idea of what the timeline is  
20 like, about how long were the three of you in Portland before  
21 you traveled again?

22 A. We stayed in Portland until a couple days after my  
23 birthday, so --

24 Q. Does September 24th sound about right?

25 A. Yeah.

1 Q. The date that you would have left Portland?

2 A. Yeah.

3 Q. So if we are talking about the beginning part and the end  
4 part of your stay in Portland, is it August 29th to  
5 September -- like 24th? Does that sound about right?

6 A. Yeah, I guess, yeah.

7 Q. During that period of time, what were you doing for money?

8 A. Probably dancing. I don't think I was working, though. I  
9 really don't remember working. I don't remember working at  
10 that time.

11 Q. And would it be common for you to take -- essentially take  
12 some time off or take a vacation?

13 A. Oh, yeah, very common.

14 Q. Can you tell us anything else about the kinds of things  
15 that you did during this sort of vacation period in Portland.

16 A. I went and hung out with my friends, my family. I mean,  
17 whatever.

18 Q. Do you have family here in Portland?

19 A. Yeah, my family is here.

20 Q. Do you know whether Ms. Turner also had family here in  
21 Portland?

22 A. I don't know, actually. I believe so.

23 Q. Did -- do you know whether Ms. Turner was making social  
24 visits outside of the house?

25 A. Yeah.



1 Q. What did you do for your birthday celebration on  
2 September 13th?

3 A. All of us went out, including Onjahnae. We all went and  
4 we just went to some bars downtown.

5 Q. Do you have any idea whether Ms. Turner was working during  
6 this period of time?

7 A. On my birthday?

8 Q. I'm sorry, no. During the time that you were staying --

9 A. No, no. Neither of us were working.

10 Q. Did Mr. Willis ever tell you not to leave Ms. Turner alone  
11 in the apartment or the house where you were staying?

12 A. No.

13 Q. Did you ever see Mr. Willis make Ms. Turner go someplace  
14 that she didn't -- seemed to not want to go?

15 A. Not one time.

16 Q. Did Mr. Willis ever accuse you and Ms. Turner of stealing  
17 his money?

18 A. Never.

19 Q. Did he threaten to beat your asses if you did not return  
20 something that he thought was stolen?

21 A. No, ma'am.

22 Q. Have you ever -- I'm going to ask you a couple of  
23 questions. About how long did your relationship with  
24 Mr. Willis last?

25 A. About a little over a year.

1 Q. Can you tell us -- well, how did the relationship end?

2 A. At the time he was traveling to Vegas a lot, and I got  
3 upset with him, so I kicked him out of my house, and that was  
4 it.

5 Q. Did he have things inside the house?

6 A. Yeah. His grandma came over to help him get some of his  
7 things out of the house, and it wasn't that big of a deal. But  
8 I was just tired of him leaving me and going to Vegas and  
9 stuff, so --

10 Q. After he and his grandmother took his things out of the  
11 house, did he contact you after that?

12 A. A few times, but it wasn't -- I mean, it was just like hi,  
13 you know.

14 Q. Did you -- did you feel threatened by any of those  
15 contacts?

16 A. Never, not once.

17 Q. Did you have an impression about why he might have been  
18 contacting you?

19 A. I mean, he obviously wanted me to come back. I mean, he  
20 never like threatened me to come back or threatened if I didn't  
21 come back or anything like that.

22 Q. Was it more like a boyfriend trying --

23 A. It was more like, "I miss you, Babe," and stuff like that,  
24 not, you know --

25 Q. Now, can you remember during the whole period of time that

1 you were with Mr. Willis, do you have any memory of an  
2 altercation that involved the two of you, you and Mr. Willis?

3 A. Yes.

4 Q. Can you tell us about those circumstances.

5 A. Me and Mr. Willis got into an argument once, and I threw  
6 something at him, and in defense he slapped me.

7 Q. Do you remember what it was you threw at him?

8 A. I think it was a part of the couch.

9 Q. And at that point was Ms. Turner still --

10 A. She was gone. She was gone -- she was long gone by then.

11 Q. Did Mr. Willis ever hit you in front of Ms. Turner?

12 A. No.

13 Q. Did you ever see an altercation between Mr. Willis and  
14 Ms. Turner?

15 A. Yes.

16 Q. Do you remember where that would have been?

17 A. In our apartment.

18 Q. Where was that?

19 A. In Beaverton.

20 Q. So during the time that the three of you were staying in  
21 Portland?

22 A. Yes.

23 Q. And did Ms. Turner have an injury that you saw?

24 A. No.

25 Q. Did you see any blood or bruising?

1 A. No, ma'am.

2 Q. Can you tell us a little bit more about what you remember  
3 just seeing happen.

4 A. I remember them arguing. When I came upstairs, she like  
5 lunged at him like she was going to punch him or whatever, and  
6 he like smacked her away, and then that was it.

7 Q. Do you remember the specifics of their argument?

8 A. I do not, actually.

9 Q. Do you remember what happened next?

10 A. I believe Onjahnae left.

11 Q. Did she come back?

12 A. Yeah. She called crying to come back.

13 Q. Are you the person who received that call?

14 A. No. I was there when he received it, though.

15 Q. You were there when Mr. Willis got that call?

16 A. Yes, ma'am.

17 Q. And then after Mr. Willis received the call, what  
18 happened?

19 A. He went and got her.

20 Q. About how long would you say she was gone for?

21 A. Less than 48 hours.

22 Q. Between 24 and 48 hours?

23 A. Yeah.

24 Q. Was that before the trip to Hawaii or after the trip to  
25 Hawaii?

1 A. It was before.

2 Q. So can you tell us a little bit about how it was that you  
3 went to Hawaii.

4 A. I had a court date in Hawaii, so I already was -- needed  
5 to be in Hawaii, so Onjahnae just came with me.

6 Q. Whose idea was it to have Ms. Turner accompany you to  
7 Hawaii?

8 A. She wanted to come. She'd never been to Hawaii.

9 Q. And are you saying that because that's something you heard  
10 her say or something that you --

11 A. I mean, she seemed very excited to go to Hawaii. She  
12 seemed -- I mean, I've been to Hawaii before, she's never been,  
13 so, I mean, I didn't hear her say, "I can't wait to" -- I mean,  
14 but I heard -- by her actions she was very excited to go.

15 Q. So did the two of you travel on the same flight?

16 A. Yeah, I believe so.

17 Q. When -- and where did you arrive at Hawaii?

18 A. Waikiki.

19 Q. What was the plan for Waikiki?

20 A. To walk the streets.

21 Q. And when you say "walk the streets," I'm assuming there  
22 are a number of ways to sort of get the job done, to do the  
23 work of solicitation and prostitution. Why was that the chosen  
24 method in Waikiki?

25 A. I mean, I've danced out there, too, but it's not good

1 money. The best money out there is to walk the streets.

2 Q. So at that point did you and Ms. Turner do that together?

3 A. Uh-huh.

4 Q. For how long?

5 A. For one day. She didn't feel comfortable with it. Her  
6 and Mike discussed going to Maui, and she went to Maui the next  
7 day.

8 Q. Did you go with her to Maui?

9 A. No. I like Waikiki.

10 Q. Do you know whether Ms. Turner earned any money while she  
11 was in Waikiki?

12 A. No, not that I remember.

13 Q. You don't remember whether she did or she didn't?

14 A. I'm pretty sure she did not make any money. That's why  
15 she wanted to go to Maui.

16 Q. And you -- did you ever join up with Ms. Turner when she  
17 was in Maui?

18 A. No, ma'am.

19 Q. Why did you get on a plane and come here to testify today?

20 A. The accusations against me are very false, as well as  
21 Mike. I haven't spoke to Mike in years. I don't know  
22 Onjahnae, but the accusations against me are very horrible, and  
23 I don't want that on my name at all.

24 Q. When you say the accusations against you, what are the  
25 accusations against you?

1 A. Saying I've been beaten, saying I've been forced. That's  
2 not -- if you knew me, you know that it would never go down  
3 like that.

4 Q. I see.

5 MS. HARRIS: I don't have any more questions for the  
6 witness. Thank you.

7 THE COURT: Thank you.

8 Ms. Martin.

9 MS. MARTIN: Thank you, Your Honor.

10

11

CROSS-EXAMINATION

12 BY MS. MARTIN:

13 Q. Ms. Barrow, did you write this declaration?

14 A. No.

15 Q. Who did?

16 A. Mike's lawyer.

17 Q. And when was the first time you saw it?

18 A. I saw it the next day, when I read through it.

19 Q. And you made corrections on it?

20 A. Yes, ma'am.

21 Q. You mentioned that you, in this statement, were putting  
22 yourself through a community college.

23 A. Yes.

24 Q. And you knew that Mr. Willis had some college education as  
25 well?

1 A. Uh-huh.

2 Q. And at the time that you were working for him, he had  
3 specific amounts of money he wanted you to make?

4 A. No.

5 Q. He had aspirational goals that he wanted you to make?

6 A. He never set a number for me -- an amount for me to make.  
7 He's never set a certain amount he needed me to make. It's  
8 never been that type of relationship. He talked about building  
9 together, more or less, not you have to make this amount of  
10 money. It was never like that.

11 Q. But you did turn your money over to him?

12 A. Absolutely.

13 Q. And he talked with you about building goals together?

14 A. Absolutely.

15 Q. The two of you had a romantic relationship in addition to  
16 the working aspect of life?

17 A. Uh-huh.

18 Q. And at the time you met Ms. Turner, you were 22?

19 A. Yes.

20 Q. And Mr. Willis was 26?

21 A. Uh-huh.

22 Q. And in your statement, you noted that Mr. Willis helped  
23 you get your driver's license reinstated?

24 A. Yes, he did.

25 Q. He didn't do that for Ms. Turner, did he?



1 A. She wasn't around long enough.

2 Q. He didn't do that for her, did he?

3 A. No.

4 Q. And there wasn't any effort while she was in Alaska to try  
5 to get her identification there, was there?

6 A. I'm sorry, can you repeat the question?

7 Q. Sure. She arrived in Alaska with her birth certificate;  
8 isn't that right?

9 A. I don't remember.

10 Q. She didn't have a driver's license, did she?

11 A. No.

12 Q. So she had some other form of identification?

13 A. Okay.

14 Q. And she couldn't work at the club because she was too  
15 young; isn't that right?

16 A. Because she didn't have her identification -- her card,  
17 her ID.

18 Q. She had a birth certificate and she wasn't 21?

19 A. You can work at -- you don't have to be 21 to work there.

20 If you have a card, if you have an identification card, you can  
21 work there.

22 Q. She couldn't work there?

23 A. Yes.

24 Q. And he didn't do anything about making it possible for her  
25 to work there?

1 A. She didn't have a problem about working there.

2 Q. The question is, the defendant didn't do anything to allow  
3 her to work there, did he?

4 A. What could he have done to help her allow her to work  
5 there? I don't get the question.

6 Q. Did he help you get a driver's license?

7 A. I had an ID, though. You don't have to have a driver's  
8 license to work there, ma'am.

9 Q. He didn't do anything to help her in that regard?

10 A. No, I guess.

11 Q. In fact, your report even said it would have been more  
12 convenient if she had had a driver's license so that you guys  
13 didn't have to accompany her everywhere she went?

14 A. If she had an ID, yes. You can't have a person get a  
15 driver's license in Alaska if she's not from there.

16 Q. But he didn't make any effort to get her a driver's  
17 license, did he?

18 A. No.

19 Q. He helped you with your consumer credit rating?

20 A. Yes.

21 Q. He didn't do that for her, did he?

22 A. No.

23 Q. Were you aware that he was arrested in 2010, and that two  
24 witnesses heard a woman say, "I can't let you hurt me anymore"?

25 MS. HARRIS: Object, Your Honor.

1 THE COURT: Just a moment, ma'am.

2 THE WITNESS: No.

3 THE COURT: Just a moment. Don't answer the  
4 question.

5 THE WITNESS: I'm sorry.

6 MS. HARRIS: Your Honor, I'm objecting to relevance  
7 at this point.

8 THE COURT: As to relevance, I overrule it.  
9 You can answer the question.

10 THE WITNESS: Can you repeat the question, please?

11 BY MS. MARTIN: (continuing)

12 Q. Yes. Were you aware that in 2010, he was arrested after  
13 two witnesses heard a woman say, "I can't let you hurt me  
14 anymore"?

15 A. No.

16 Q. In 2012, before Ms. Turner joined you, were you aware she  
17 had a job in Florida?

18 A. No.

19 Q. Were you aware that she was planning to go back to school?

20 A. Never.

21 Q. Were you aware that the defendant recruited her to come up  
22 to Alaska to join you?

23 A. No.

24 Q. Were you aware that he encouraged her through some  
25 romantic texts?

1 A. No.

2 Q. You didn't know what her expectations were when she  
3 arrived in Alaska, did you?

4 A. No.

5 Q. You did know that she was younger than you. She was just  
6 20 when she arrived.

7 A. I was 22.

8 Q. You knew she was younger?

9 A. Yeah.

10 Q. You knew she was younger than Mr. Willis, who was 26?

11 A. Yes.

12 Q. You knew she had just broken up with her ex?

13 A. No.

14 Q. You knew she had broken up with her ex?

15 A. No.

16 Q. I think in your report, you say that her ex had picked her  
17 up at a house. You knew she had an ex?

18 A. I knew she had an ex. We didn't talk when we broke up and  
19 all that. Everybody has an ex.

20 Q. You knew that when she went to Maui, she was alone and  
21 that she hadn't been there before?

22 A. Yes. That was her choice.

23 Q. And that she talked to Mr. Willis about going to Maui  
24 before she went there?

25 A. Yes, ma'am.

1 Q. And he told her where to stay?

2 A. No.

3 Q. He told her what to do when she got there?

4 A. No.

5 Q. He had been there before?

6 A. No.

7 Q. You became aware at some point that she was hospitalized  
8 for being -- that she went to the hospital after being raped in  
9 Maui?

10 A. Yes.

11 Q. You didn't go join her on the other island?

12 A. No, because I didn't believe she was raped.

13 Q. Whether you believed it or not, you didn't get on a plane  
14 and take less than a half-hour flight to go over to see the  
15 woman who you had been living with on and off for two months?

16 A. No.

17 Q. There were times when Mr. Willis would take a look at your  
18 telephone; isn't that right?

19 A. Sure.

20 Q. And he would look at her phone, at Ms. Turner's phone?

21 A. Sure.

22 Q. And there were times when he told you where -- I'm sorry,  
23 that he told Ms. Turner where the dates were and would  
24 transport her to them and from them?

25 A. Could you repeat the question?

1 Q. Sure. There would be times when he would make the  
2 arrangements for the dates and he would transport her to and  
3 from the dates?

4 A. No.

5 Q. So he had nothing to do with arranging the dates?

6 A. Well, we never had a calendar with dates on it. It would  
7 be very random. It would be a group decision that we would all  
8 go. It wouldn't be him saying you have to go here and here on  
9 these dates. That's not what the arrangement was.

10 Q. There were occasions when he was the person who made the  
11 arrangements, though, for Ms. Turner to go, and then he  
12 transported her to and from the dates?

13 A. Not that I know, no.

14 Q. Who would transport her to and from dates?

15 A. Like drive her? I thought you meant on a plane. Yeah.

16 Q. Okay.

17 A. Yeah. I thought you meant like on a plane transport her.

18 Q. Let's back up. There were times when Mr. Willis would  
19 make the arrangements for the date and drive her in a car to  
20 and from the date?

21 A. He would not make the arrangements. He would drive her to  
22 the dates.

23 Q. And he would take the money for the dates?

24 A. Of course.

25 Q. After Mr. Willis looked through Ms. Turner's phone and

1 slapped her, she left for a day or two?

2 A. Yes.

3 Q. And you agree that at some point, I think your statement  
4 says on one or two occasions, Mr. Willis slapped you?

5 A. One occasion.

6 Q. You signed this under the penalty of perjury?

7 A. Yes.

8 Q. And I believe that in paragraph 10, you said that you  
9 could remember one or two times when he hit you.

10 A. I said one and two times, and I don't remember any other  
11 time besides the one time. He's not a violent person.

12 Q. He was aware of the risk that you and Ms. Turner faced  
13 every time you went out on a date?

14 A. Yes.

15 Q. And he had, before Ms. Turner joined you, experience with  
16 other girls working as prostitutes for him?

17 A. I'm sorry, would you repeat the question?

18 Q. He had other women working as prostitutes for him before  
19 Ms. Turner arrived?

20 A. Sure.

21 Q. And after Ms. Turner left -- because she left after the  
22 rape in Maui, didn't she?

23 A. Yes.

24 Q. He tried to recruit her back again?

25 A. Not that I was aware of.

1 Q. He had a goal of becoming rich through the work of other  
2 people: you, Ms. Turner, and others?

3 A. No.

4 Q. Really? Tell me how many jobs he had during the period of  
5 time that you were with him.

6 A. He didn't have any jobs, but we -- we didn't -- he didn't  
7 plan on becoming rich off of us. He planned on helping all of  
8 us become rich.

9 Q. He didn't have a job during the entire time you knew him,  
10 did he?

11 A. Not at all.

12 MS. MARTIN: I have nothing further.

13 THE COURT: Any redirect?  
14

15 REDIRECT EXAMINATION

16 BY MS. HARRIS:

17 Q. Ms. Barrow, when the three of you were in Alaska, was  
18 there any plan of becoming permanent Alaska residents?

19 A. No, ma'am.

20 Q. Did you take any other steps in Alaska to do things like  
21 join any organizations?

22 A. No.

23 Q. To buy like a permanent piece of property?

24 A. No.

25 Q. Did anyone buy a car in Alaska?



1 A. Not that I know of.

2 Q. You said that Mr. Willis hadn't been to Maui before.

3 A. No.

4 Q. Had he been to other parts of Hawaii?

5 A. Yeah. He'd been to Waikiki.

6 Q. Just not Maui?

7 A. He'd never been to Maui before.

8 Q. Did Ms. Turner ever talk to you about a dashed hope or  
9 kind of a dashed dream of returning to school?

10 A. Honestly, I've never heard her say not one thing about  
11 school since I've known her.

12 Q. Did she ever tell you like where she was in school?

13 A. I didn't even know she went to school.

14 Q. There was a little bit of talk back and forth -- and it  
15 might have been confusing -- about what kind of identification  
16 you need to use to dance in Alaska.

17 A. Uh-huh.

18 Q. I want to ask you a couple questions about that.

19 A. Okay.

20 Q. Is that the kind of identification that has a photograph  
21 in it?

22 A. It's any identification with your photograph on it and  
23 your state. It's not required to have a driver's license, just  
24 an identification card.

25 Q. And to your knowledge, did Ms. Turner have a photograph --

1 I'm sorry, have a piece of identification with a photograph on  
2 it?

3 A. No, ma'am.

4 THE COURT: That's all I need. Thank you.

5 MS. HARRIS: Thank you.

6 THE COURT: You can take your seat.

7 THE WITNESS: (Complies.)

8 THE COURT: We're focused on 2G1.1B1, the four-level  
9 enhancement. Is there anything else you wish to first of all  
10 litigate before we hear argument on sentencing, Ms. Martin?

11 MS. MARTIN: No, Your Honor.

12 THE COURT: I'll hear your argument generally on  
13 sentencing, just what you think the right sentence is.

14 MS. MARTIN: Your Honor, the government is --  
15 continues to recommend a 48-month sentence, and the reason for  
16 that, I think, is that the -- there is evidence of coercion  
17 sufficient for the Court to find that level of enhancement.  
18 Even with the contested issues in this case, what the Court has  
19 is evidence that the -- OT, when she went to Alaska, from the  
20 documents provided by defense counsel, had the expectation that  
21 she was going to encounter something different than she did.  
22 She did not have --

23 THE COURT: Just a moment.

24 (To the court security officer) Would you tell them  
25 to be quiet out there.

1 (There is a pause in the proceedings.)

2 THE COURT: Thank you.

3 Go ahead.

4 MS. MARTIN: When she flew, she didn't have the  
5 conventional identification, and unlike the efforts that the  
6 defendant made for Ms. Barrow, he made no such efforts for  
7 Ms. Turner. That in itself is somewhat coercive, as is a  
8 flight to a location where she knows no one and doesn't have  
9 the ability to gain other employment.

10 I think, in addition to that, the Court has the  
11 evidence from the witness that there was the physical force  
12 used in Portland at the time the defendant was going through  
13 Ms. Turner's phone and she left for a period of time.

14 I think those factors are sufficient for the Court to  
15 find an enhancement for coercion. I think the risk that the  
16 defendant ran that the women who he was using to profit from  
17 through acts of prostitution would be injured or raped in the  
18 course of their work for him is certainly borne out by the  
19 events in Hawaii, and that the level for the physical violence  
20 due to the bodily injury that the government is requesting is  
21 lessened by the fact that the defendant wasn't personally  
22 there, he didn't personally inflict the violence, and is  
23 tempered, as I indicated in the sentencing memo, by the  
24 government's agreement to take into consideration the  
25 defendant's performance on pretrial supervision and the efforts

1 that he's made so far.

2 For those reasons and the other reasons outlined in  
3 the government's sentencing memorandum, the government believes  
4 that a period of incarceration of 48 months is appropriate,  
5 coupled with the forfeiture in this case, a five-year term of  
6 supervision, which is the minimum term of supervision I believe  
7 the Court could impose in this case, and the \$100 fee  
8 assessment.

9 I'm sorry, it's a \$200 fee assessment, due to the  
10 fact it was two counts rather than one count.

11 THE COURT: Thank you.

12 Ms. Harris.

13 MS. HARRIS: Thank you, Your Honor.

14 With respect to the enhancement, you know, the first  
15 thing I want to say is that this is an issue that needed a  
16 face. Ms. Barrow was willing to come in and sort of withstand  
17 the crucible of cross-examination, and it's difficult not to  
18 have had the same opportunity to place Ms. Turner on the stand  
19 and to allow the Court to sort of -- to observe what would  
20 happen in that same truth-telling process I think on the  
21 very -- on the key facts in the case about whether or not  
22 Ms. Turner's voluntariness was negated by physical force,  
23 threats of physical force, or other conduct that could be  
24 viewed as coercive.

25 I don't see how at this point the Court can credit

1 the majority of the allegations that were unsworn and that were  
2 the basis going forward for the government's decision to seek  
3 an enhancement. There are entire portions now of Ms. Turner's  
4 statement dealing with being an eyewitness to physical force on  
5 the part of Ms. Barrow, accusations that she was driven from  
6 place to place as a means of coercing her or otherwise negating  
7 her voluntariness. I think it's significant that the trip to  
8 Hawaii happened after she already made a decision to return,  
9 and I think it's also important for the Court to consider the  
10 circumstances or the motivations that each party had when they  
11 offered their statements.

12 THE COURT: We've gone over that. Thank you. I've  
13 read that.

14 MS. HARRIS: So I think with respect to the  
15 enhancement, I don't think the government has met its burden.  
16 I think these relationships are complicated, and I think that  
17 in asking the Court to view complex human relations in very  
18 rigid terms, I think we lose sight of some realities. I think  
19 those were the realities that Ms. Barrow illustrated for the  
20 Court today. Again, I don't think the burden has been met  
21 here.

22 THE COURT: So you believe the guidelines are at 14?

23 MS. HARRIS: Yes, Your Honor. I think without the  
24 enhancement, the advisory guideline range would be -- with the  
25 criminal history of category 3, it would be 18 to 24 months at

1 an offense level -- I want to double-check -- at 14, sentencing  
2 guidelines. If you'll just -- that is -- yes, an offense  
3 level, actually, of 13, with an advisory guideline range --

4 THE COURT: Why 13? You said 14 a minute ago.

5 MS. HARRIS: I know I did, and I just looked at my  
6 chart and what I thought I had. But let me just check the plea  
7 agreement as well.

8 MS. MARTIN: I think that's the multiple-count  
9 adjustment.

10 MS. HARRIS: What is?

11 MS. MARTIN: It was a base offense level of 14, plus  
12 2 for multiple-count adjustment, less 3 for acceptance of  
13 responsibility, which would be a level 13.

14 THE COURT: Does your client wish to say anything?

15 THE DEFENDANT: Yes, I will, Your Honor.

16 First off, I want to apologize to the victims. I  
17 don't feel that I physically hurt them, but I think I might  
18 have did some mentally or emotionally or messed with their  
19 psyche.

20 Also, during the time I've been out on my pretrial  
21 release, I understand -- I got a full meaning of what I was  
22 doing. It was more, like I said, like an addiction, and more  
23 like a habit, in a way, like with narcotics. One of my  
24 teachers, Mr. Wolf, would say that I got a little fire  
25 underneath me, that I'm starting to find myself and I'm

1 starting to be more back into like the school structure and  
2 understanding things in life that I was really missing, and  
3 obviously it's not all about money, it's more about just having  
4 true values and loyalty to your family.

5 THE COURT: Thank you. You can be seated.

6 My first job is to calculate the sentencing  
7 guidelines correctly. Often that's a mechanical process.  
8 Today it's a process of deciding, as best I can, what really  
9 happened here, particularly on two questions: the question of  
10 bodily injury and the question of coercion.

11 Bodily injury is a little bit simpler. The theory is  
12 that it's a bodily injury for which the pimp is responsible if  
13 he directs a prostitute to put herself in harm's way and a  
14 customer hurts her. And there are certainly cases where that  
15 could be the case, but I don't agree that it would be the case  
16 always. I don't always believe that a pimp is responsible  
17 under the sentencing guidelines for bodily injury caused by a  
18 customer. I don't see anything here on the facts as I  
19 understand them that would make this defendant responsible for  
20 that customer's actions under the guidelines. So I decline to  
21 utilize that sentencing enhancement in the case.

22 The second enhancement has to do with coercion. And  
23 that's defined as something that negates the voluntariness of  
24 the victim's willingness to participate in the sex industry as  
25 a prostitute. And so I think I have to take those words at

1 face value. "Negates" means erases for the most part or gets  
2 rid of. Whether it has to completely zero it out, I doubt, but  
3 it has to have a powerful impact on someone's voluntariness.  
4 That's how I read coercion here.

5 And we have competing stories, first of all. There  
6 is the story told by the things that the United States has  
7 submitted, and that is in competition with the story told by  
8 the things the defense has submitted, including the live  
9 testimony of Ms. Barrow.

10 It's not a hard-and-fast rule, by any stretch, that  
11 live testimony somehow will beat a paper document, not by any  
12 stretch. But here I find a number of things important about  
13 the live testimony. One is that it was -- it created an  
14 opportunity to test credibility, and that was important, I  
15 think, given the different motivations involved and the nature  
16 of the testimony. I think it was important to have  
17 cross-examination.

18 And so I find that the testimony submitted by  
19 Ms. Barrow is more persuasive on many points than competing  
20 testimony of somewhat inferior evidentiary value. Very few  
21 people are 100 percent credible. She did, however, admit some  
22 things that a total liar probably wouldn't have admitted, and  
23 seemed on the core point of whether this defendant was coercive  
24 and abusive to her, seemed adamant and believable that that was  
25 not their relationship. And although she wasn't around all the



1 time and couldn't vouch for everything, she seemed adamant and  
2 mostly believable on the question of whether in her presence  
3 Ms. Turner was abused or acted like someone who had been  
4 abused.

5 I don't pretend to know what happened here -- I can  
6 only go on the evidence in front of me -- but that evidence was  
7 tested in a way that in my view makes it something I can place  
8 greater reliance on than the untested and unsworn statements of  
9 the victim in this case.

10 I think it was Albert Einstein who said that  
11 everything should be made as simple as possible, and no  
12 simpler, and so I am reluctant to simply assume that this  
13 relationship was one grounded in coercion because of a  
14 relatively modest age difference, a relatively modest increase  
15 in education on the part of the defendant, or other factors.

16 I do have to decide whether coercion could be present  
17 even based on the things Ms. Barrow admitted, and that's a more  
18 difficult call. She did admit that on at least one occasion,  
19 the defendant struck Ms. Turner, and it's my finding that that  
20 evidence, while certainly revealing of this defendant's  
21 character, his willingness to strike a woman, doesn't amount to  
22 sufficient evidence of coercion under the guidelines. So I  
23 decline to impose that enhancement.

24 Ms. Harris has asked for a lower-than-guidelines  
25 sentence for a variety of reasons, all of which I reject. I

1 think they do not constitute sufficient reasons to depart from  
2 the guidelines here.

3 Mr. Willis, I'm certainly glad that you have taken  
4 some time to go through treatment and tried to look inside  
5 yourself to see how you ended up where you ended up. I know  
6 it's real popular to talk in the language of addiction; I did  
7 this because I was addicted to money or I was addicted to the  
8 fast lifestyle. There's certainly some truth to that, I'm  
9 sure. But you also did these things because you just decided  
10 you were going to do it, take a shortcut, be a pimp. And so  
11 those decisions are -- well, first of all, illegal -- that's  
12 what brought you here -- and I hope you reach the day where you  
13 decide they're also unworthy of the man you want to become,  
14 that you reach a day where you're just ashamed that that's the  
15 shortcut you chose.

16 When I say I don't find coercion, what I'm saying is  
17 that I don't find evidence sufficient to believe that you beat  
18 Ms. Turner. But she was just barely on the far side of being a  
19 child, and you helped and assisted and maybe even urged that  
20 she engage in prostitution to help you make money. Her, too,  
21 but you make money. You thought it was more important that you  
22 be rich than that she get out of that lifestyle.

23 So I think it's completely fair that the law hold you  
24 seriously responsible for that. You were grown up enough, with  
25 enough life experience to know what you were doing. Nobody had

1 a gun at your head making you be a pimp.

2 I know you've had disappointments and even great  
3 difficulties in life. None of them justify what you did. I'm  
4 sure when you showed up in Kansas and your basketball career  
5 went down the tubes, I'm sure that was a crushing time for you,  
6 but it doesn't remotely justify what you turned around and did  
7 with it. So I'm hoping you'll take a different path from here  
8 on forward. You don't have much of a criminal history. This  
9 is going to be serious. But when it's over, I hope you never  
10 end up in court again.

11 I adopt the guidelines as correct, with the -- a  
12 correct statement of the advisory range in this case -- excuse  
13 me. I adopt the presentence report as a correct statement of  
14 the advisory range in this case, with the alterations that I've  
15 just explained, and I find that the resulting range, with the  
16 low end of 18 months, is not only correct under the guidelines  
17 but a fair and just sentence under Section 3553(a).

18 As to Count 2, you're committed to the Bureau of  
19 Prisons for confinement for a period of 18 months. Upon  
20 release, you'll serve a five-year term of supervised release,  
21 subject to the standard conditions adopted by this Court and  
22 the following special conditions: you'll cooperate in the  
23 collection of DNA, you'll observe reentry court, you'll have no  
24 association with prostitutes, you'll not frequent areas or  
25 places where prostitution is a known activity.

1 Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: You'll reside in a residence approved by  
4 the probation officer and notify him or her five days before  
5 any change in residence, and you'll stay nightly at that  
6 residence unless prior notice is made to the officer.

7 So you can't have a home and then end up spending  
8 nights with somebody else, making that your second home. You  
9 have to live at home. Do you understand?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: If the law requires it, you'll register  
12 under any state sex offender registration agency where that's  
13 required by law.

14 You'll participate in and successfully complete a  
15 program for domestic violence counseling, as approved by the  
16 officer.

17 You'll have no contact with the victims of the  
18 instant offense in person, by telephone, correspondence, or  
19 third party, unless approved in advance. So that's Ms. Turner  
20 and Ms. Barrow. Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: I know she may contact you after this is  
23 all over. Just tell her that I told you you couldn't speak  
24 with her or email her or Facebook her or anything. Understood?

25 THE DEFENDANT: Yes, sir.

1           THE COURT: You'll provide the U.S. probation officer  
2 with truthful and complete information regarding all mobile  
3 phones, computer hardware, software, electronic services, data  
4 storage media, the whole computer ball of wax. You have to  
5 disclose all of that so your probation officer knows what  
6 you're doing in the online world.

7           And you'll submit to a search of your mobile phone or  
8 computer or anything like it at a reasonable time and place and  
9 manner, based upon any reasonable suspicion of a violation or  
10 condition of supervision.

11           Your employment shall be subject to the approval by  
12 the probation officer.

13           As to Count 3, you receive the same sentence, same  
14 conditions, concurrent with the sentence imposed on Count 2.

15           I'm not ordering any fine. You do have to pay a fee  
16 assessment of \$100 on each count, for \$200, due immediately and  
17 in full.

18           The dumbest thing you can do when you get out of  
19 prison here is to be involved in any way with prostitution. Do  
20 you get that message?

21           THE DEFENDANT: Yes, sir.

22           THE COURT: You've waived some or all of your appeal  
23 rights. Those waivers are generally enforceable. If you still  
24 think you have the right to appeal, you have to file a notice  
25 within 14 days of the entry of judgment.

1 I do view you as suitable for voluntary surrender.  
2 You're directed to report to an institution to be determined by  
3 the Bureau of Prisons on June 18th, 2015.

4 I don't know if there's still time, Ms. Harris, to  
5 report to the Marshals Service before you leave the building  
6 today, but try to.

7 And then if not, then it will have to be tomorrow for  
8 further instructions on voluntary surrender. All right? So  
9 they'll give you instructions on how to voluntarily surrender.

10 That means you're out between now and June 18th.  
11 Don't get in any trouble between now and then.

12 Any pending charges requiring dismissal or other  
13 resolution?

14 MS. MARTIN: Your Honor, there is a pending charge  
15 requiring dismissal. I believe it's Count 1.

16 I would also like to note that there is a forfeiture  
17 matter for the Court's pronouncement.

18 THE COURT: Any objection to me signing this  
19 forfeiture order?

20 MS. HARRIS: No, Your Honor.

21 MS. MARTIN: And, Your Honor, finally, I know that  
22 the pretrial services officer has requested that curfew be  
23 reimposed, and I join that request.

24 THE COURT: I agree. You've been in technical  
25 violation by going to Vancouver, and you've been up late in

1 ways that almost got you in trouble. So I am imposing a  
2 midnight curfew between now and the day you go to prison.  
3 Don't violate it.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Anything further from the defense?

6 MS. HARRIS: Your Honor, we would request a  
7 recommendation that Mr. Willis be placed at Sheridan so that  
8 his family can visit him while he's incarcerated.

9 THE COURT: I will so recommend. Although we had no  
10 introductions, I see what I believe to be maybe even a dozen  
11 family supporters and friends here. I'm sure they'll visit him  
12 if he's allowed to serve at Sheridan. He's a relatively young  
13 man with family nearby. I recommend that he be allowed to  
14 serve his time at Sheridan.

15 Yes, sir?

16 THE PRETRIAL SERVICES OFFICER: As far as the  
17 self-surrender, Your Honor, we normally seek, if he goes  
18 somewhere other than Sheridan, to California, wherever the BOP  
19 designates him, I wanted permission to remove the GPS prior to  
20 that, to allow him to get to that location without it.

21 THE COURT: That's fine.

22 We'll be in recess.

23 MS. MARTIN: Thank you.

24 THE CLERK: This court is adjourned.

25 (Proceedings concluded.)

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I certify, by signing below, that the foregoing is a correct transcript of the record of proceedings in the above-entitled cause. A transcript without an original signature or conformed signature is not certified.

/s/Bonita J. Shumway

5/14/2015

BONITA J. SHUMWAY, CSR, RMR, CRR  
Official Court Reporter

DATE